

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In Re:

Chapter 11
Case No.:15-41930-nhl

ON QUE FOOD SERVICE GROUP LLC
d/b/a JAKES WAYBACK BURGERS

Debtor.

NOTICE OF MOTION

PLEASE TAKE NOTICE that the Debtor, ON QUE FOOD SERVICE GROUP LLC d/b/a JAKES WAYBACK BURGERS herein by and through its attorneys, BLACKMAN & MELVILLE, P.C shall move this court on June 22, 2016 at 10:30am the United States Bankruptcy Court located at 271 Cadman Plaza, Brooklyn, NY in courtroom 2529 before the Bankruptcy Judge the Hon. Nancy Hershey Lord for an Order (a) approving the assumption of the unexpired lease held by creditor, COLE REAL ESTATE INVESTMENTS, and (b) for any such other and further relief as this court deems just and proper.

Dated: May 17, 2016.

_____/s/ Nigel E. Blackman_____
BLACKMAN & MELVILLE, P.C
By: Nigel E. Blackman, Esq
1557 Buford Dr., #491930
Lawrenceville, GA 30049
(718) 576-1646
NB1558

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ON QUE FOOD SERVICE GROUP LLC
d/b/a JAKES WAYBACK BURGERS

Debtor.

AFFIRMATION IN SUPPORT OF MOTION TO

ASSUME EXECUTORY CONTRACT HELD BY CREDITOR

NIGEL E. BLACKMAN, ESQ., affirms herein as follows:

1. I am an attorney associated with the firm, BLACKMAN & MELVILLE, P.C, attorneys for the Debtor in the above referenced case.
2. This case was commenced by the filing of a voluntary Chapter 11 petition for relief under title 11 of the Bankruptcy Code on or about May 3, 2016.
3. The trustee has not made application or motion to this court to accept or reject executor contracts or unexpired leases of the Debtor.
4. Pursuant to 11 U.S.C. section 365 Debtor makes this application the court to approve the assumption of the following attached unexpired lease held by creditor, COLE REAL ESTATE INVESTMENTS herein included as **Exhibit 1**.
5. The unexpired lease is for the lease of commercial premises used and operated as a restaurant establishment located at 870 Remsen Ave, Brooklyn New York 11236.
6. The lease was entered into by and between the predecessor of the Debtor, UCHENSTAR, INC, and the representative of the landlord and owner of the Premises, CANARSIE PLAZA, LLC, (presumably the predecessor of COLE REAL ESTATE

INVESTMENTS) on or about October 20, 2011 and expires on October 19, 2031.

7. On or about November 15, 2013 UCHENSTAR, INC then assigned the lease to Debtor, ON QUE FOOD SERVICE GROUP, LLC, and the debtor assumed all benefits and burdens of obligations under the terms of the lease. The assumption, by the Debtor of the Lease is herein included as **Exhibit 2**.

8. The assumption of the unexpired lease is in the best interest of the Debtor. It is determined that the premiums in the lease are reasonable and that it is critical to the debtor's reorganization.

WHEREFORE, the debtor prays for an order (a) authorizing the Debtor to assume the unexpired lease held by creditor, COLE REAL ESTATE INVESTMENTS and (b) for any such other and further relief as this court deems just and proper.

Dated May 17, 2016

_____/s/ Nigel E. Blackman_____
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